

Mail Stop Interference
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Filed 24 June 2008

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DANIEL J. PARKE and DAVID A. WIEBELHAUS
Junior Party
(Application 11/250,543),

v.

DAVID WIEKHORST, SPRING STUTZMAN,
JEFF STUTZMAN, SCOTT JUENGST, FRED JOHNSTON,
JIM L. DICKMAN and ROBERT KENNY
Senior Party
(Patent 7,238,886).

Patent Interference No. 105,640 (SCM)
(Technology Center 2800)

DECLARATION - Bd.R. 203(b)¹

- 1 Part A. Declaration of interference
- 2 An interference is declared (35 U.S.C. § 135(a)) between the above-
- 3 identified parties. Details of the application(s), patent (if any), reissue application

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

(if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Sally C. Medley has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 2:00 p.m. on 26 August 2008 (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

1 Part E. Identification and order of the parties

2
3 Junior Party

4
5 Named inventors: DANIEL J. PARKE, Omaha, NE
6 DAVID A. WIEBELHAUS, Omaha, NE

7
8 Involved Application: 11/250,543, filed 17 October 2005

9
10 Title: Finned jackets for LAN cables

11
12 Assignee: Bank of America, N.A.

13
14 Senior Party

15
16 Named Inventors: DAVID WIEKHORST, Sidney, NE
17 SPRING STUTZMAN, Sidney, NE
18 JEFF STUTZMAN, Sidney, NE
19 SCOTT JUENGST, Sidney, NE
20 FRED JOHNSTON, Sidney, NE
21 JIM L. DICKMAN, Sidney, NE
22 ROBERT KENNY, Centennial, CO

23
24 Involved Patent: 7,238,886, issued 3 July 2007, based on
25 application 10/790,583, filed 1 March 2004

26
27 Title: Communication Wire

28
29 Assignee: ADC Incorporated

30
31 The senior party is assigned exhibit numbers 1001-1999. The junior party is
32 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
33 party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 Part F. Count and claims of the parties

2
3 Count 1

4
5 A cable comprising:

6 a plurality of twisted pairs of conductors; and

7 a jacket defining a central passage in which the plurality of twisted
8 pairs of conductors are located, the jacket including an inner surface with
9 legs that project inwardly, the jacket defining channels located between the
10 legs, each of the channels having two opposing sides and a side
11 interconnecting the two opposing sides.

12
13 The claims of the parties are:

14 Parke: 67-73

15 Wiekhorst: 1-47

16 The claims of the parties which correspond to Count 1 are:

17 Parke: 67-73

18 Wiekhorst: 1-11, 13-14 and 16-47

19 The claims of the parties which do not correspond to Count 1, and therefore
20 are not involved in the interference, are:

21 Parke: none

22 Wiekhorst: 12 and 15

23
24 The parties are accorded the following benefit for Count 1:

25 Parke: 10/740,476, filed 22 December 2003

26 Wiekhorst: 10/389,254, filed 14 March 2003, now Patent No.
27 7,214,880 granted May 8, 2007

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO & 106.1.1:

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1 Part H. Order form for requesting file copies

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

6
7 /Sally C. Medley/
8 Administrative Patent Judge
9

10
11
12
13
14 Enc:

15 Copy of STANDING ORDER
16 Form PTO-850
17 Copy U.S. Patent 7,238,886
18 Copy of claims of 11/250,543
19

20 Revised 3 January 2006
21
22

1 cc (via overnight delivery):
2

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